

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

CURB RECORDS, INC. and MIKE CURB
FOUNDATION,

Plaintiffs,

v.

CIVIL ACTION
CASE NO. 3:21-cv-00500
JUDGE CRENSHAW

WILLIAM LEE, as Governor of Tennessee, in his official capacity; CARTER LAWRENCE, Commissioner of the Tennessee Department of Commerce and Insurance, in his official capacity; WILLIAM B. HERBERT IV, as Director of the Nashville Department of Codes and Building Safety, in his official capacity; and GLENN FUNK, District Attorney General for the 20th Judicial District, in his official capacity,

Defendants.

**STATE DEFENDANTS' MOTION TO STAY PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Before the Court is Plaintiffs' Motion for Preliminary Injunction, seeking an order enjoining State Defendants from enforcing 2021 Tenn. Pub. Ch. 453. (DE 12). While this motion was pending, the United States District Court for the Middle District of Tennessee entered an injunction prohibiting State Defendants Carter Lawrence and Glenn Funk, in their official capacities, from enforcing 2021 Tenn. Pub. Ch. 453. *See Bongo Productions, LLC, et al. v. Lawrence, et al.*, No. 3:21-cv-00490 (DE 23).

2021 Tenn. Pub. Ch. 453 does not confer upon Governor Lee the authority to enforce the challenged statute other than in his capacity to appoint or remove a Commissioner of the Tennessee Department of Commerce and Insurance. The current Commissioner, Carter Lawrence, is already enjoined by the district court in his official capacity, and this injunction

binds any successors in office. Accordingly, State Defendants submit that there is currently no need for this Court to hear Plaintiffs' Motion for Preliminary Injunction as none of the State Defendants here are presently capable of enforcing the challenged statute.

State Defendants thus respectfully request that this Court stay and hold in abeyance Plaintiffs' Motion for Preliminary Injunction until such time as the injunction issued in *Bongo Productions, LLC, et al. v. Lawrence, et al.*, No. 3:21-cv-00490, is lifted. State Defendants Lawrence and Funk submit that should the injunction already in place be dissolved, they will voluntarily refrain from enforcing 2021 Tenn. Pub. Ch. 453 at least until such time as this Court rules on the pending Motion for Preliminary Injunction or two months elapses from the dissolution of the preliminary injunction in *Bongo Productions, LLC, et al. v. Lawrence, et al.*, whichever occurs first.

As part of their obligation to meet and confer, the parties have discussed the relief sought in this motion but have yet to reach agreement. However, discussions are ongoing. Plaintiffs intend to file a brief response to the motion on or before Friday, July 23 in the event no agreement has been reached by that time.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion has been served on the following counsel of record through the Electronic Filing System on this 21st day of July, 2021:

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